

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. LYLES, #132720,

Plaintiff,

v.

VALARIE BRADSHAW, *et al.*,

Defendants.

CASE NO. 10-10588

HON. JOHN CORBETT O'MEARA

MAGISTRATE JUDGE MICHAEL HLUCHANIUK

**ORDER DIRECTING PLAINTIFF TO PREPAY THE FILING FEE OR TO
SHOW CAUSE WHY HIS COMPLAINT SHOULD NOT BE DISMISSED**

This matter is pending before the Court on Roger L. Lyles' *pro se* civil rights complaint and motion to strike Counts I, II, IV, V, and VIII of the complaint. On February 11, 2010, Plaintiff filed his complaint and an application to proceed without prepayment of the fees and costs for this action. On February 18, 2010, the Court ordered Plaintiff to submit a certified statement of his trust fund account and forty-three copies of his complaint. Plaintiff moved for reconsideration on the grounds that he could not afford to make the necessary copies and was unable to acquire a certified copy of his trust fund account. On April 15, 2010, the Court granted Plaintiff's motion in part by ordering Plaintiff's custodian to calculate an initial partial filing fee and subsequent payments pursuant to 28 U.S.C. § 1915(b). The Court then summarily dismissed several defendants and ordered Plaintiff to submit twenty-eight more copies of his complaint to the Clerk of Court. Plaintiff subsequently filed the pending motion to strike Counts I, II, IV, V, and VIII of the complaint.

The Court subsequently became aware that more than three of Plaintiff's prior complaints

have been dismissed as frivolous or for failure to state a claim. *See Lyles v. Stahl*, No. 1:97-cv-00206 (W.D. Mich. Aug. 22, 1997); *Lyles v. Brazil*, No. 1:96-cv-00603 (W.D. Mich. Dec. 19, 1996); *Lyles v. McGinnis*, 1:95-cv-00572 (W.D. Mich. Jan. 17, 1996); *Lyles v. Terry L.*, No. 1:94-cv-00733 (W.D. Mich. May 22, 1995); *Lyles v. Richardson*, No. 1:93-cv-00644 (W.D. Mich. Aug. 31, 1993); *see also Lyle (sic) v. Jackson*, No. 2:98-cv-74031 (E.D. Mich. Oct. 30, 1998) (dismissing the complaint with prejudice pursuant to 28 U.S.C. §1915(g)).

Plaintiff may not proceed without prepayment of the filing fee unless he was in “imminent danger of serious physical injury” when he filed his complaint. 28 U.S.C. § 1915(g); *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003). Accordingly, Plaintiff is **ORDERED** to prepay the filing fee of \$350.00 in full or to show cause why his complaint should not be dismissed pursuant to § 1915(g). Failure to comply with this order within **thirty (30) days** of the date of this order may result in the dismissal of the complaint.

s/John Corbett O’Meara
United States District Judge

Date: June 10, 2010

I hereby certify that a copy of the foregoing document was served upon Roger Lyles at Mound Correctional Facility on this date, June 10, 2010, by ordinary mail.

s/William Barkholz
Case Manager